

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

UNITED STATES OF AMERICA,

Petitioner,

V.

**2014 ROAD MASTER BUS, BEARING
VEHICLE IDENTIFICATION NUMBER
3M9JL60A2EB041003;**

Respondent.

CIVIL ACTION NO.

VERIFIED COMPLAINT FOR FORFEITURE

Comes now Petitioner United States of America, acting by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and respectfully states as follows:

I. NATURE OF THE ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the property described below:

- 2014 Master Road Bus, bearing Vehicle Identification Number 3M9JL60A2EB041003.

(hereinafter referred to as the "Respondent Property").

II.

This is a civil forfeiture action *in rem* brought against the Respondent Property for the violation of Title 31 U.S.C. § 5332, and subject to forfeiture to the United States pursuant to Title 31 U.S.C. § 5332(c)(1).

31 U.S.C. § 5332. Bulk cash smuggling into or out of the United States

(c) Civil forfeiture.-

(1) In general.— Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable to such violation or conspiracy, may be seized and forfeited to the United States.

**III.
JURISDICTION AND VENUE**

Under Title 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under Title 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Property under Title 28 U.S.C. §§ 1355(b) and 1395(b). Venue is proper in this district pursuant to Title 28 U.S.C. § 1355(b)(1)(A), because the acts or omissions giving rise to the forfeiture occurred in this District, and pursuant to Title 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because the Respondent Property was seized in this District.

The Respondent Property was seized in the Western District of Texas, on or about June 3, 2017, and turned over to Homeland Security Investigations (“HSI”). The Respondent Property has remained in the custody of the United States Customs and Border Protection, Office of Fines, Penalties and Forfeiture, within the jurisdiction of the United States District Court, Western District of Texas, Pecos Division, and shall remain within the jurisdiction of the court pending litigation of this case.

**IV.
FACTS IN SUPPORT OF FORFEITURE**

On June 3, 2017, United States Customs and Border Protection (“CBP”) Canine Officer, David Almengor (“CBPO Almengor”) observed the Respondent Property enter the outbound lane at the Presidio, Texas, Port of Entry. CBPO Almengor noticed the bus did not look familiar as to the ones that normally cross at Presidio, and decided to have it inspected. The bus

contained three drivers and three passengers. CBP Officer Andrew L'HommeDieu ("CBPO L'HommeDieu") received negative declarations for currency in access of \$10,000, weapons, and ammunition from the drivers and all passengers. The drivers, Edmundo Vargas-Sanchez ("Vargas"), Benjamin Alarcon-Giron ("Alarcon"), and Edgar Marin-Corral ("Marin") all presented a valid entry documents. Driver, Vargas, stated the Respondent Property was on route to Chihuahua, Chihuahua, Mexico, from Dallas, Texas.

During secondary inspection of the bus, CBP Officers were examining all of the storage areas below the passenger compartment when they noticed the tool storage compartment located above the right front wheel was not as deep as the one located above the left front wheel. The back wall of the compartment located on the right had new black felt lining with fresh yellow glue and was made of wood. The back wall of the compartment located over the left wheel was made of sheet metal. CBP Officers drilled a hole through the wood, which revealed it to be a false wall. The CBP Officers then used a fiber optic scope to look inside the compartment, and observed several bundles wrapped in brown plastic tape. CBP Officers pried the false wall away, and discovered it was secured on both sides by two electric controlled locking devices. The wiring for the devices were traced to two hidden toggle switches hidden behind the chrome trim located on the steps leading into the passenger aisle way. Each toggle switch controlled a locking mechanism on each side of the false wall. The chrome trim piece was secured by four metal screws, which required a screw driver to access the toggle switches.

Homeland Security Investigations ("HSI") Special Agents Mike Wright ("SA Wright") and April Skinner ("SA Skinner") were called to the Presidio Port of Entry to investigate. The HSI agents determined that the bus contained three different company logos displayed on the bus; "Apple Tours," "FUDSA Transportaciones Turisticas," and "Los Rapidos de Dallas." The

passenger baggage on the bus contained baggage tags labeled “Flores Express.” An inspection of a document folder that was found behind the bus driver’s seat showed the bus had Mexico insurance issued to Ricardo Flores-Hernandez (“Flores”). A Mexican title showed the Respondent Property was a white, 2014 Road Master, diesel, autobus bearing Mexico plate number 614-RN-6 registered to “Transportaciones Turisticas FDUSA, Durango, Durango, Mexico.” The folder also contained documents showing the Respondent Property was insured in the United States from May 31, 2017 through July 30, 2017 to “Autobuses Los Rapides de Dallas,” and a copy of a Texas International Fuel Tax License valid from January 1, 2017 through December 31, 2017 that was issued to Silvia Hernandez, doing business as “Autobuses Los Rapidos de Dallas,” 6505 Glenmoor Drive, Garland, Texas 75043. The Respondent Property displayed a Department of Transportation (“DOT”) registration and motor carrier numbers issued to owner operator “Los Rapides de Dallas.”

Co-driver, Marin, was interviewed, and stated he had been employed for approximately eight months as a driver for “Turismos Flores,” which was owned by Flores. Marin stated that Flores owns three buses; however, this was the first time Marin had driven the Respondent Property. Marin stated he was told by, co-driver and the senior bus driver, Vargas that Flores was in the process of purchasing the bus, and it was on loan to test drive and determine if it was worth purchasing for the fleet. Marin provided details about the dates and route of the trip from Chihuahua, Mexico to Dallas, Texas. Marin stated that Francisco Carrera (“Carrera”) was the owner of “Autobuses Los Rapidos de Dallas,” and they use his office as a bus stop to load passengers. Marin stated that Carrera has two buses that he operates, and is the owner of the DOT tags used by Flores on his buses.

Senior driver, Vargas, was interviewed and stated he has worked with “Turismos Flores” for approximately two years, and the owner of the bus was Flores. Vargas stated, that “Rapides de Dallas” was owned by Carrera who leases his DOT operating license to Flores. Vargas stated, the Respondent Property was the third bus for Flores to acquire, and he had purchased it approximately on May 11, 2017. Vargas stated, this trip was the first crossing into the United States since the bus was purchased.

HSI agents corroborated the crossing history provided by the three drivers concerning times and dates of the buses and vans crossing into and out of the United States. The three drivers were released, and the Respondent Property and \$213,400.00, more or less, in United States currency were administratively seized by CBP.

On August 21, 2017, Flores administratively petitioned for the Respondent Property stating that he was an innocent owner. Record checks revealed the owner of the Respondent Property was “FUDSA Transportaciones Turisticas” (“FUDSA”). SA Wright asked Flores for information that would show him as the owner. Flores submitted a document from FUDSA, stating that Flores was solely responsible for the Respondent Property even though it was registered to FUDSA. FUDSA stated, Flores had purchased the bus through an intermediary, and they were no longer the owners.

Based upon the foregoing, the Respondent Property is subject to forfeiture pursuant to 31 U.S.C. § 5332(c)(1), as property involved in violation of 31 U.S.C. § 5332.

**V.
PRAYER**

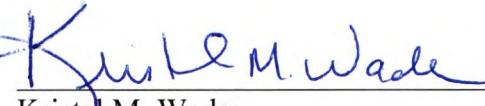
WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Property, that due notice, pursuant to Rule G(4), be

given to all interested parties to appear and show cause why forfeiture should not be decreed,¹ that a warrant for an arrest in rem be ordered, that the Respondent Property be forfeited to the United States of America, that the Respondent Property be disposed of in accordance with the law, and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JOHN F. BASH
United States Attorney for the
Western District of Texas

By:


Kristal M. Wade
Assistant United States Attorney
New Mexico Bar No. 8204
700 E. San Antonio Ave., Suite 200
El Paso, Texas 79901
Tel: (915) 534-6884
Fax: (915) 534-3461

¹Appendix A, Notice of Complaint of Forfeiture, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Property.

VERIFICATION

Special Agent, Jon M. Wright, declares and says that:

I am a Special Agent with Homeland Security Investigations, assigned to the Alpine Field Office, and I am the investigator responsible for the accuracy of the information provided in this complaint.

I have read the above Verified Complaint for Forfeiture and know the contents thereof based upon my personal participation in the investigation, my conversations with others, and my review of documents and other evidence. Based upon information and belief, the allegations contained in the Verified Complaint for Forfeiture are true and correct. Because the Verified Complaint is being submitted for the limited purpose of stating sufficiently detailed facts to support a reasonable belief that the government will be able to meet its burden of proof at trial, it does not contain every fact known by me or the United States. Where the actions, conversations, and statements of others are related therein, they are related in substance and in part, unless otherwise stated.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 15th day of March, 2019.



Special Agent Jon M. Wright
Homeland Security Investigations

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

UNITED STATES OF AMERICA,

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Petitioner,

V.

CIVIL ACTION NO.

**2014 ROAD MASTER BUS, BEARING
VEHICLE IDENTIFICATION NUMBER
3M9JL60A2EB041003;**

Respondent.

NOTICE OF COMPLAINT FOR FORFEITURE

On March 15, 2019, the United States of America, by and through its United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, filed a Verified Complaint for Forfeiture against the property described below, which is also specifically described in the Verified Complaint for Forfeiture, and which is subject to forfeiture to the United States pursuant to Title 31 U.S.C. § 5332(c)(1), as property involved in violation of Title 31 U.S.C. § 5332, namely:

- 2014 Master Road Bus, bearing Vehicle Identification Number 3M9JL60A2EB041003.

hereinafter referred to as the "Respondent Property."

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Property. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Property who has received direct notice of this forfeiture action must file a Claim in compliance

with Rule G(5)(a), with the court within **thirty-five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below), or within 35 days of the date of delivery, if notice was personally served.** An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within **twenty-one (21)** days of the Claim being filed. The Claim and Answer must be filed with the Clerk of the Court, 2450 State Hwy. 118, Alpine, Texas 79830, and copies of each must be served upon Assistant United States Attorney Kristal M. Wade, 700 E. San Antonio Ave, Suite 200, El Paso, Texas 79901, or default and forfeiture will be ordered. *See* Title 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

DATE NOTICE SENT: _____

JOHN F. BASH
United States Attorney
for the Western District of Texas

By:

Kristal M. Wade
Assistant United States Attorney
Texas Bar No. 8204
700 E. San Antonio Ave., Suite 200
El Paso, TX 79901
Tel: 915-534-6884
Fax: 915-534-3461

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
2014 ROAD MASTER BUS, BEARING VEHICLE IDENTIFICATION NUMBER 3M9JL60A2EB041003;	§	
	§	
Respondent.	§	

WARRANT FOR THE ARREST OF PROPERTY

TO THE DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CUSTOMS AND BORDER PROTECTION, OFFICE OF FINES, PENALTIES AND FORFEITURE OR OTHER AUTHORIZED LAW ENFORCEMENT OFFICER OR ANY OTHER PERSON OR ORGANIZATION AUTHORIZED BY LAW TO ENFORCE THE WARRANT:

WHEREAS, on March 15, 2019, Petitioner United States of America, by its attorneys, John F. Bash, United States Attorney for the Western District of Texas, and Assistant United States Attorney Kristal M. Wade, filed a Verified Complaint for Forfeiture in the United States District Court for the Western District of Texas, against the following property:

- 2014 Master Road Bus, bearing Vehicle Identification Number 3M9JL60A2EB041003,

seized on June 3, 2017, in Presidio, Texas, Port of Entry (hereinafter referred to as "Respondent Property"), alleging that the Respondent Property is subject to forfeiture to the United States of America pursuant to Title 31 U.S.C. § 5332(c)(1), as property involved in violation of Title 31 U.S.C. § 5332, and

WHEREAS an Order has been entered by the United States District Court for the Western District of Texas that a Warrant for Arrest of Property be issued as prayed for by Petitioner United States of America,

YOU ARE THEREFORE COMMANDED to arrest the Respondent Property as soon as practicable by serving a copy of this warrant on the custodian in whose possession, custody or control the Respondent Property is presently found, and to use whatever means may be appropriate to protect and maintain it in your custody until further order of this Court, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Property and to make a return as provided by law.

SIGNED this _____ day of March, 2019.

JEANNETTE J. CLACK
United States District Clerk
Western District of Texas

By: _____
Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

UNITED STATES OF AMERICA, §
§
Petitioner, §
§
v. § CIVIL ACTION NO.
§
2014 ROAD MASTER BUS, BEARING §
VEHICLE IDENTIFICATION NUMBER §
3M9JL60A2EB041003; §
§
Respondent. §

ORDER FOR WARRANT OF ARREST OF PROPERTY

WHEREAS, on March 15, 2019, Petitioner United States of America, by its attorneys, John F. Bash, United States Attorney for the Western District of Texas, and Assistant United Stated Attorney Kristal M. Wade, filed a Verified Complaint for Forfeiture in the United States District Court for the Western District of Texas, against the following property:

- **2014 Master Road Bus, bearing Vehicle Identification Number 3M9JL60A2EB041003,**

seized on June 3, 2017, in Presidio, Texas, Port of Entry (hereinafter referred to as “Respondent Property”), alleging that the Respondent Property is subject to forfeiture to the United States of America pursuant to Title 31 U.S.C. § 5332(c)(1), as property involved in violation of Title 31 U.S.C. § 5332, IT IS THEREFORE

ORDERED that a Warrant for the Arrest of Property against the Respondent Property issue as prayed for, and that the Department of Homeland Security, United States Customs and Border Protection, Office of Fines, Penalties and Forfeiture, or any other law enforcement officer, for the Western District of Texas, or any other law enforcement officer, or any other person or organization authorized by law to enforce the warrant, be commanded to arrest the Respondent Property and take it into possession for safe custody as provided by Rule G,

Supplemental Rules of Federal Rules of Civil Procedure, until further order of the Court, and to use whatever means may be appropriate to protect and maintain it in their custody, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Property, and to make a return as provided by law.

SIGNED this _____ day of March, 2019.

UNITED STATES DISTRICT JUDGE

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
UNITED STATES OF AMERICA(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Kristal M. Wade, Assistant United States Attorney
700 E. San Antonio, Suite 200
El Paso, Texas 79901 (915) 534-6884**DEFENDANTS**
2014 ROAD MASTER BUS, BEARING VEHICLE IDENTIFICATION NUMBER 3M9JL60A2EB041003County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 31 U.S.C. § 5332(c)(1)				
	Brief description of cause: Bulk Cash Smuggling (Title 31 U.S.C. § 5332)				

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No

VIII. RELATED CASE(S) IF ANY	<i>(See instructions):</i>	JUDGE	DOCKET NUMBER

DATE _____
03/15/2019

FOR OFFICE USE ONLY

Kristal M. Wade

SIGNATURE OF ATTORNEY OR RECORD

RECEIPT # _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG. JUDGE _____